

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEFFREY WILLIAMS,)	
)	
Petitioner,)	Civil Action No. 11 – 862
)	
v.)	District Judge Terrence F. McVerry
)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
MARIROSA LAMAS, et al,)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner, Jeffrey Williams, initiated this action by filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, (ECF Nos. 1, 5), and this case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.C and 72.D.

Respondents filed a Motion to Dismiss (ECF No. 10) the habeas petition asserting that the instant petition is a second or successive petition which this Court lacks subject matter jurisdiction to entertain. Petitioner filed a response to the motion to dismiss. (ECF No. 13.)

On January 25, 2012, the Magistrate Judge entered a Report and Recommendation (ECF No. 17) recommending that Respondents’ motion be granted, the habeas petition be dismissed for lack of jurisdiction, and a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address and advised that he had until February 13, 2012, to file written objections. Petitioner filed Objections to the Report and Recommendation

on February 6, 2012. (ECF No. 18.) Petitioner's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

AND NOW, this 15th day of February, 2012,

IT IS HEREBY ORDERED that Respondents' Motion to Dismiss (ECF No. 10) is **GRANTED** and Petitioner's Petition for Writ of Habeas Corpus is hereby **DISMISSED** for lack of jurisdiction.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 17) dated January 25, 2012, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry
United States District Judge

cc: Jeffrey Williams
GU3700
PO Box A
Bellefonte, PA 16823

Counsel of Record